

EXHIBIT A

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5 (480) 889-8951
Attorneys for Plaintiff
6

COPY

APR 28 2011



MICHAEL K. JAMES, CLERK
MAGGIE WANKER
DEPUTY CLERK

7 SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY

8
9 LORRIE BUTTERWORTH, a married
woman,

10 Plaintiff,

11 v.

12
13 SEAN LILLE M.D., P.C., a domestic
corporation, and SEAN T. and DIANE
14 LILLE, husband and wife.

15 Defendants.
16

Case No.:

CV2011-053836

COMPLAINT
(Jury Trial Requested)

17 Plaintiff Lorrie Butterworth, for her Complaint, alleges as follows:

18 1. Plaintiff Lorrie Butterworth ("Butterworth") is currently and at all times
19 relevant to this action a resident of Maricopa County, Arizona. During the two year
20 period prior to filing this Complaint ("the Claim Period"), Butterworth performed labor
21 services for Defendants but was not compensated appropriately under federal law.

22 2. Defendant Sean Lille, M.D., P.C., is a corporation located in Maricopa
23 County and registered to do business in the State of Arizona ("the Company").
24
25

1 3. Defendants Sean T. and Diane Lille are residents of Maricopa County,
2 Arizona. At all times relevant to this action Defendants Sean T. and Diane Lille owned a
3 majority interest in the Company. Defendant Sean T. Lille is also the President, Director
4 and owner of the Company. In his capacity as an owner and corporate officer of the
5 Company, Defendant Sean T. Lille was responsible for classifying Plaintiff as exempt or
6 non-exempt under federal overtime law. Defendant Sean T. Lille is therefore an
7 “employer” subject to individual liability on behalf of himself and his marital community
8 under the FLSA.
9

10 4. The events giving rise to these causes of action occurred, at least in part, in
11 Maricopa County, Arizona.

12 5. This Court has jurisdiction and venue over the subject matter and the
13 parties hereto pursuant to A.R.S. §12-123 and 12-401.
14

15 **COUNT ONE**
16 **(Failure to Properly Pay Overtime Wages in Violation of the**
17 **Fair Labor Standards Act , 29 U.S.C. §§ 201-219 Against All Defendants)**

18 6. Plaintiff incorporates by reference the allegations above. In support of her
19 Complaint for unpaid overtime wages pursuant to the Fair Labor Standards Act, 29
20 U.S.C. §§ 201-219 (hereinafter “FLSA”) she alleges as follows:

21 7. During the Claim Period, Plaintiff was employed by Defendants as a
22 scheduling coordinator. Plaintiff’s primary job duties were non-exempt in nature, and
23 included answering telephone and internet inquiries, ordering supplies and scheduling
24 appointments. At all times relevant to this action, Plaintiff was a covered “employee”
25 and Defendants were Plaintiff’s “employer” as those terms are defined by the FLSA.

1 8. At all times during the Claim Period the Company was a covered
2 “Enterprise engaged in commerce or in the production of goods for commerce” as that
3 term is defined by the federal Fair Labor Standards Act, 29 U.S.C. §§ 201-219 (the
4 “FLSA”).

5 9. Plaintiff worked in excess of 40 hours per week on multiple times during
6 her employment with Defendants. Plaintiff was paid a base salary for her services, but
7 was not appropriately compensated in full for time worked in excess of 40 hours per
8 week in violation of the FLSA.

10 10. Defendants knew that they were subject to the requirements of the FLSA.

11 11. Defendants knew or should have known that the duties performed by
12 Plaintiff were non-exempt duties under the FLSA.

13 12. Defendants nonetheless classified Plaintiff as “exempt” in an intentional
14 effort to avoid additional overtime compensation due her under the FLSA.

15 13. At all times during the Claim Period, Plaintiff was a nonexempt employee
16 under the FLSA.

17 14. During the Claim Period Defendants failed to comply with Title 29 U.S.C.
18 §§ 201-219 in that Plaintiff often worked in excess of 40 hours per week but was not paid
19 for those excess hours at the compensation rate required by the FLSA.

20 15. Plaintiff has suffered economic damages as a result of Defendants’
21 unlawful compensation practice and is entitled to statutory remedies provided pursuant to
22 the FLSA, including but not limited to, unpaid overtime compensation, liquidated
23 damages, pre and post judgment interest, attorneys’ fees and costs.
24
25

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial of her claims by jury to the extent authorized by law.

REQUESTED RELIEF

WHEREFORE, Plaintiff requests:

A. For the Court to declare and find that the Defendants committed the following acts:

i. violated the overtime provisions of the FLSA;

B. For the Court to award damages, including liquidated damages pursuant to 29 U.S.C. § 216(b);

C. For the Court to award Plaintiff her reasonable attorneys' fees and costs;

D. For the Court to award pre-judgment interest on all compensation due, accruing from the date such amounts were due, and post-judgment interest; and

E. For the Court to award such other monetary, injunctive, equitable and declaratory relief as the Court deems just and proper.

Dated this 28 day of April, 2011.



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Attorney for Plaintiff

EXHIBIT B

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(480) 889-8951

Attorneys for Plaintiff

SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY

LORRIE BUTTERWORTH, a married
woman,

Plaintiff,

v.

SEAN LILLE M.D., P.C., a domestic
corporation, and SEAN T. and DIANE
LILLE, husband and wife.

Defendants.

Case No.: CV2011-053836

SUMMONS

If you would like legal advice from a lawyer,
contact the Lawyer Referral Service at

602-257-4434

or

www.lawyerfinders.org.

Sponsored by the
Maricopa County Bar Association

THE STATE OF ARIZONA TO THE DEFENDANTS:

SEAN LILLE M.D., P.C.
10210 N 92nd St., Ste. 203
Scottsdale, AZ 85258
(480) 661-6197

YOU ARE HEREBY SUMMONED and required to appear and defend, within the time applicable, in this action in this Court. If served within Arizona, you shall appear and defend within 20 days after the service of the Summons and Complaint upon you, exclusive of the day of service. If served out of the State of Arizona – whether by direct service, by registered or certified mail, or by publication – you shall appear and defend within 30 days after the service of the Summons and Complaint upon you is complete, exclusive of the day of service. Where process is served upon the Arizona Director of Insurance as an insurer's attorney to receive service of legal process against it

1 in this state, the insurer shall not be required to appear, answer or plead until the
 2 expiration of 40 days after date of such service upon the Director. Served by registered
 or certified mail without the State of Arizona is complete 30 days after the date of filing
 the receipt and
 3 affidavit of service with the Court. Service by publication is complete 30 days after the
 date of first publication. Direct service is complete when made. Service upon the
 4 Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of
 Compliance and return receipt or Officer's Return. RCP 4; A.R.S. §§ 20-222, 28-502,
 5 28-503.

6
 7 **YOU ARE HEREBY NOTIFIED** that in case of your failure to appear and
 defend within the time applicable, judgment by default may be rendered against you for
 8 the relief demanded in the Complaint.

9 **YOU ARE CAUTIONED** that in order to appear and defend, you must file an
 Answer or proper response in writing with the Clerk of this Court, accompanied by the
 10 necessary filing fee, within the time required, and you are required to serve a copy of any
 Answer or response upon the Plaintiff's attorney. RCP 10(d); A.R.S. § 12-311; RCP 5.
 11

12 REQUESTS FOR REASONABLE ACCOMMODATION FOR PERSONS WITH
 DISABILITIES MUST BE MADE TO THE DIVISION ASSIGNED TO THE CASE
 13 BY PARTIES AT LEAST THREE (3) JUDICIAL DAYS IN ADVANCE OF A
 SCHEDULED COURT PROCEEDING. Maricopa County Local Rule 2.6, effective
 14 October 1, 1994.

15 The name and address of Plaintiffs' attorney is:

16
 17 **Michelle R. Matheson, Esq.**
Matheson & Matheson, P.L.C.
 18 **14358 N. Frank Lloyd Wright Blvd., Suite 11**
Scottsdale, Arizona 85260
 19 **(480) 889-8951**

20
 21 GIVEN UNDER MY HAND this date: _____

Clerk of the Superior Court



APR 28 2011
 APR 28 2011
 MICHELLE R. MATHESON
 DEPUTY CLERK

22
 23
 24 By _____

25 Deputy Clerk

EXHIBIT C

1 Michelle R. Matheson #019568
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MARTHA WARKE
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15 Defendants.

Case No.:

CV2011-053836

**CERTIFICATE REGARDING
COMPULSORY ARBITRATION**

16 The undersigned certifies that she knows the dollar limits and any other limitations
17 set forth by the local rules of practice for the applicable superior court, and further
18 certifies that this case is within the jurisdictional limit for compulsory arbitration and is
19 subject to compulsory arbitration, as provided by Rules 72 through 76 of the Arizona
20 Rules of Civil Procedure.
21

22 ///

23 ///

DATED this 28 day of April, 2011.


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(480) 889-8951
Attorneys for Plaintiff

EXHIBIT D

1 Carrie M. Francis (#020453)
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3 1850 North Central Avenue, Suite 2100
4 Phoenix, Arizona 85004-4584
5 Tel: (602) 279-1600
6 Fax: (602) 240-6925
7 Email: cfrancis@stinson.com
8 Attorneys for Defendants

9
10 **SUPERIOR COURT OF ARIZONA**

11 **MARICOPA COUNTY**

12 LORRIE BUTTERWORTH, a married
13 woman,

14 Plaintiff,

15 v.

16 SEAN LILLE M.D., P.C., a domestic
17 corporation, and SEAN T. and DIANE
18 LILLE, husband and wife,

19 Defendants.

No. CV 2011-053836

NOTICE OF REMOVAL

20 PLEASE TAKE NOTICE that on May 23, 2011, Defendants Sean Lille M.D.,
21 P.C. and Sean T. and Diane Lille ("Defendants") filed for removal of this case to the
22 United States District Court for the District of Arizona, which completes the removal of
23 Plaintiff's action number CV 2011-053836, pursuant to 28 U.S.C. §§ 1331 and
24 1441(b). A copy of the Notice of Removal (without exhibits) is attached hereto as
25 Exhibit A.

26 Therefore, Defendants having taken all steps to effect removal of this case, this
Court may proceed no further unless and until the case is remanded by Order of the
United States District Court. *See* 28 U.S.C. § 1446(d).

Defendants further certifies that Plaintiff has been notified of this removal and
served with a copy of the Notice of Removal.

1 DATED this 23rd day of May, 2011.

2
3 **STINSON MORRISON HECKER LLP**

4
5 By: /s/Carrie M. Francis
6 Carrie M. Francis
7 1850 North Central Avenue, Suite 2100
8 Phoenix, Arizona 85004-4584
9 Attorneys for Defendants

10 ORIGINAL e-filed with the Clerk of the
11 Superior Court on the 23rd day of May, 2011.

12 COPY of the foregoing mailed this 23rd day
13 of May, 2011, to:

14 Michelle R. Matheson
15 Matheson & Matheson, P.L.C.
16 14358 North Frank Lloyd Wright Blvd.
17 Suite 11
18 Scottsdale, Arizona 85260
19 Attorneys for Plaintiff

20
21 /s/Patricia Jennings
22
23
24
25
26